

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTIAN FELLOWSHIP CENTERS
OF NEW YORK, INC.,

Plaintiff,

-against-

Civil Case No.: 8:19-cv-00191
LEK/DJS

VILLAGE OF CANTON, a New York
municipal corporation,

Defendant.

DECLARATION

MICHAEL DALTON, declares under the penalty of perjury, upon information and belief:

1. I am not a named Defendant in the above-captioned lawsuit. I currently serve as Mayor for the Village of Canton (hereinafter "Village" or "Canton"). As Mayor, I am also a voting member of the Village's Board of Trustees. I have served as the Village's Mayor since 2015. Additionally, I am a long-time resident of the Village.

2. Since 2012, I have continually served as a Village Trustee and regularly attended the meetings of the Village's Board of Trustees.

3. Prior to making this Declaration, I reviewed certain documents relating to the claims being made by Plaintiff (hereinafter "CFC"), the CFC's applications to the VOC-PB and VOC-ZBA, as well as other Village records. I was also personally present at several Planning Board meetings and Zoning Board of Appeals meetings where Jamie Sinclair appeared and addressed those Village Boards. If I was not able to personally attend these meetings, I would nonetheless stay informed through my review of all meeting materials and minutes.

4. I offer this Declaration in support of the Village's position in this legal action and in opposition to Plaintiff's March 7, 2019 motion for a mandatory injunction and declaratory relief.

5. Attached hereto as Exhibit "D" is a copy of the Village's current zoning map which reflects each zone and the relative size of each zone within the Village.

6. Upon information and belief, in addition to CFC, there are nine (9) different active churches operating in the Village. Upon information and belief, none of those current churches operating within the Village are located in the two small Retail Commercial Districts (also known as "C-1") (Ex. D).

7. Between March 8, 2019 and March 11, 2019, I took steps to research available space options for CFC after reading Mr. Sinclair's March 7, 2019 Declaration to this Court suggesting that CFC does not have access to the Best Western Hotel (Canton) space which they have reportedly been using on Sundays for an extended period of time. I was personally present for a number of Mr. Sinclair's public statements to the Village Boards when he described the nature and history of his church and the manner in which CFC's membership has grown while they have been borrowing or renting a number of different facilities in and around Canton over the past several years. Accordingly, I was surprised to read Mr. Sinclair's statement suggesting that CFC has not made arrangements for a Sunday church service on March 31st and his suggestion that his inability to hold Church services in the Village's C-1 zone (at 25 Court Street property which CFC just recently purchased) might somehow impact the growth of CFC. After just a matter of minutes of making a few telephone calls, I was able to obtain the following information regarding CFC's potential options for March 31, 2019:

- a. According to Amber Baines, the Event Coordinator for SUNY Canton, as of March 11, 2019, the Kingston Theater is available on March 31st;
- b. According to Ms. Baines, in addition to the *Kingston Theater*, there are other rooms and spaces available at the SUNY Canton campus on March 31st if needed;
- c. According to Ms. Baines, CFC has successfully used the *Kingston Theater* space for services and related church activities, as recently as August 19, 2018, August 26, 2018 and September 2, 2018;
- d. Adjacent to the SUNY Canton campus there is a large building owned by the Masonic Temple which I understand has recently been rented for private gatherings;
- e. The Clubhouse at Partridge Run Golf Club in the Village of Canton could be made available on March 31st for little or no cost; and
- f. The Canton Recreation Pavilion will be available on March 31st since the ice has been removed and winter operations have ended.

8. I have reviewed the web-based posts attached to Mr. Sinclair's March 7, 2019 Declaration. I am not familiar with any of the authors of such posts. Upon information and belief, none of the individual which may have made such posts are employed by or associated with the Village.

9. On March 15, 2019, I communicated with Pastor Jamie Sinclair by telephone about the uncertainty he reported concerning a church service location for March 31, 2019. During my March 15, 2019 communications, Mr. Sinclair described the facility requirements for his March 31, 2019 service which include seating for an anticipated 70-100 persons - although he preferred to have 125 available seats. During my March 15, 2019 call with Mr. Sinclair, I

described four different locations which I identified as possible locations which I believe to be available on March 31, 2019, including: the Pavilion space (owned by the Village); the Clubhouse at the Golf Course (owned by the Village); St. Mary's School; and the Kingston Theater (owned by SUNY-Canton). Each of these four locations are located in the Village of Canton. During our March 15, 2019 telephone conversations, Pastor Sinclair said he was "very interested" in the St. Mary's School option which he asked me to explore further. After speaking with Mr. Sinclair on March 15, 2019, I was able to confirm that the Clubhouse at the Golf Course could accommodate 100 seats. I believe both the St. Mary's School and the Kingston Theater facilities can easily accommodate more than 125 seats. On Sunday, March 17, 2019, I texted Mr. Sinclair the name and number of the point of contact at St. Mary's School so he could contact them directly on March 18, 2019 in order to make arrangements for use of their facility on March 31, 2019. Attached hereto as Exhibit "P" is a copy of the screenshot of my text message exchange with Pastor Sinclair.

Dated: March 18, 2019



Michael Dalton